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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 16 December 1974

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1. [REDACTED] Called Senator Milton Young and congratulated him on the confirmation of his reelection to the Senate for another term and at the same time brought him up-to-date on the status of conference committee action on the Foreign Assistance Act amendments. I told the Senator the Director and Senator Stennis were quite concerned about the fractionation of the oversight over the Agency and that he might want to discuss the matter with Senators McClellan and Stennis. I made it clear I was not suggesting the Senator take a position for or against the Foreign Assistance Act generally but that I merely wanted to alert him to the existence of the section on intelligence activities and the problems we foresee with it. I told him we would get him some background papers on this subject.

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2. [REDACTED] Called Jim Calloway, Counsel, Senate Appropriations Committee, to alert him to the action being taken by the House/Senate conferees on the Foreign Assistance Act amendments as they pertain to intelligence activities. Calloway said if I got a paper up to him on the subject he would talk with Chairman McClellan about it. I told him I thought he and the Chairman would be particularly interested since the provision is a limitation on expenditures from appropriated funds.

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3. [REDACTED] Received a call from Dick Ober, NSC staff, who thanked me for sending a copy of the Director's 17 September letter to the President and he also asked where he could get a copy of our 14 November letter to OMB on the Foreign Assistance Act amendments. I told him the quickest way to get the OMB letter was from Susan Schiffer of their staff. He asked if we were preparing a letter from the Director to the President and I told him since it appeared the President's attention has been fully focused on the problem of this section we were not going ahead with the letter but had one drafted in case it is needed.

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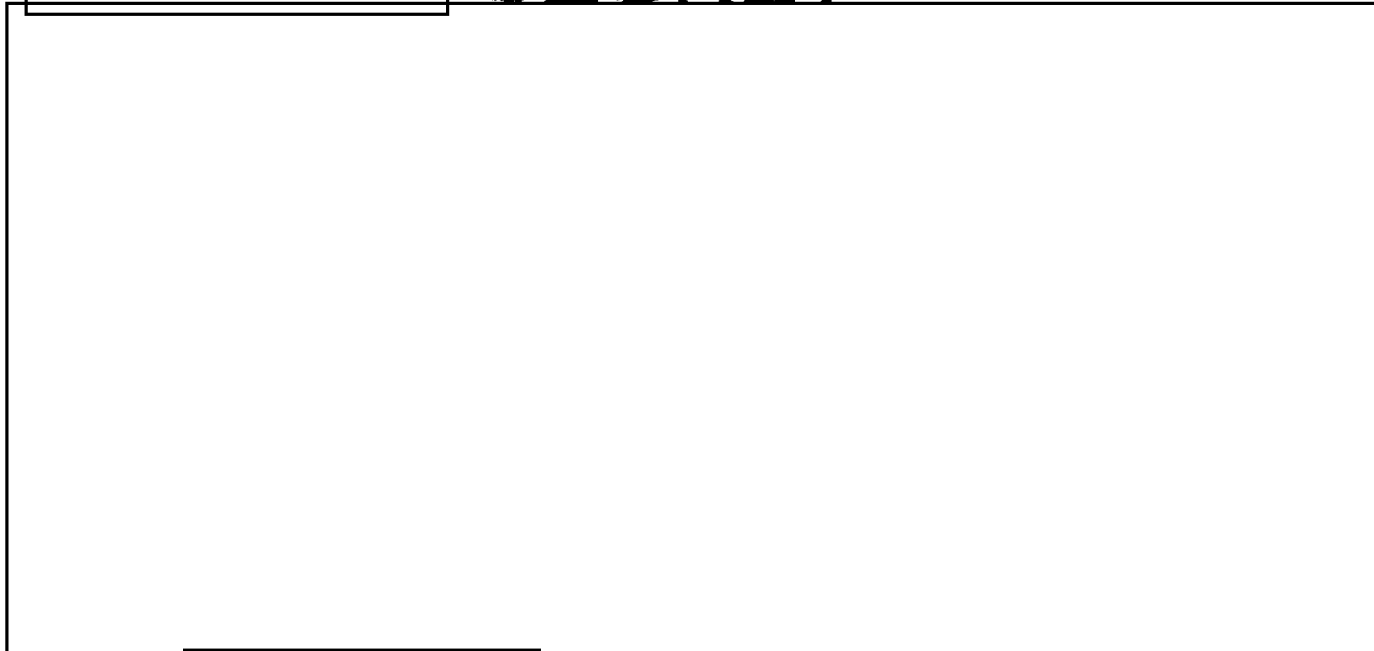
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25X1 5. [REDACTED] Delivered a package of background material relating to the Foreign Assistance Act limitations on intelligence activities to Ed Braswell, Chief Counsel and Staff Director, Senate Armed Services Committee, for Chairman John C. Stennis (D., Miss.); Ed Kenney, Senate Armed Services Committee staff, for Senator Strom Thurmond (R., S.C.); Dorothy Fosdick, Permanent Subcommittee on Investigations staff, Senate Government Operations Committee, for Senator Henry M. Jackson (D., Wash.); Jim Calloway, Chief Counsel and Staff Director, Senate Appropriations Committee for Chairman John L. McClellan (D., Ark.); Chris Sylvester, Administrative Assistant to Senator Milton R. Young (R., N. Dak.), for the Senator; Ralph Preston, House Appropriations Committee staff, for Chairman George H. Mahon (D., Texas); and Frank Slatinshek, Chief Counsel, House Armed Services Committee, for Chairman Lucien N. Nedzi (D., Mich.).

25X1 6. [REDACTED] In meeting with Ralph Preston, House Appropriations Committee staff, I brought him up to date on the status of the Foreign Assistance Act. Preston advised that there is some basis for the feeling that the Foreign Assistance Act could die in conference and go over until next year. Whether it does or not, of course, the Appropriations Committee will be reporting out a continuing resolution to include funds for the Foreign Assistance Act. The resolution, however, will not be subject to amendment on the floor with regard to matters such as oversight of the Central Intelligence Agency. Such an amendment would be non-germane.

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I delivered to Sullivan a blind memorandum of 12 December 1974 entitled, "The Soviet Pacific Ocean Fleet," and another entitled, "South Vietnam's Oil Prospects" which had been requested by the Senator during his visit.

25X1 8. [REDACTED] Met with Chairman Lucien N. Nedzi (D., Mich.), Intelligence Subcommittee, House Armed Services Committee, and closed out the matter of a request from Representative Thomas M. Rees (D., Calif.) 25X1

25X1 [REDACTED] Nedzi had no questions.

Chairman Nedzi told me he would be attending a dinner this evening at the Polish Embassy for Representative Thaddeus Dulski (D., N.Y.), and said he would appreciate any information we could get for him concerning people he might run into at the dinner. I told Nedzi that the attendance and like matters relating to foreign embassies in Washington was within the province of the FBI, but that we would see what we could do. [REDACTED] 25X1
C/SE Division, was advised.

I discussed with the Chairman the present status of the Privacy Bill (S. 3418) and gave him a copy of the suggested floor language that will be used by Representatives William S. Moorhead and John N. Erlenborn (R., Ill.) in an exchange concerning the Director's authority for protection of intelligence sources and methods.

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9. [] Met with William H. Hogan, Counsel, Intelligence Subcommittee, House Armed Services Committee, and gave him a suggested reply for use by Chairman Lucien N. Nedzi (D., Mich.) in a query from Representative Tom Railsback (R., N.J.) concerning a constituent request for information on reports that the CIA is intervening in the affairs of the Government [] After discussing the response, 25X1 Hogan said he would draft a final response for Nedzi's use and suggested that it would be well to plan to meet with the Chairman to brief him in some detail on the [] situation. [] has been advised. 25X1

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Received from Hogan a news item from the Detroit News of 11 December 1974 entitled, "Secret Spy School Run by CIA Located in D. C. Apartment." Hogan told me that he had just received the item from Chairman Nedzi with a request for our comments. [] DDO, has 25X1 been advised.

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10. [] Col. Clinton Granger, NSC staff, reported that Mr. Cary's call to him Saturday had caused a refocusing at higher levels on the provision limiting intelligence activities in the Foreign Assistance Act, and that he needed soonest our recommended language changes for reconsideration by the conference committee. After consultation with the Director, recommended language changes were LDX'd to Granger.

Later, Granger advised that he had received the material and that they were "shooting it to the President who was now flying back."

I called Granger and indicated that we had a number of reservations concerning the provision and had made a number of suggestions which have not been adopted, including the possibility of dropping the language "any other act" on the basis of germaneness which would completely solve our problem. Granger hoisted this aboard quickly and said he would report it to the "West Wing."

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11. [] Received a call from Dick Ober, NSC staff, who wanted to know if a letter was being sent to the President on the Foreign Assistance Act amendments. I said there was a letter in the mill which used this development as a springboard to express concern over what appears to be the ever growing access in the Congress to information on sensitive intelligence activities.

I advised Ober of our earlier dealings with Granger, NSC staff, and Ober said he had assigned Granger to the task following Ober's conversation with Mr. Cary on Saturday. Ober asked if we would have suggestions for Presidential comment on the provision in the Foreign Assistance Act limiting intelligence activities. I said we had a draft of a recommended comment which was tied to what we think will be the outcome of the conference committee's deliberation on the provision and Ober requested a copy be LDX'd over to him which was done after consulting with Mr. Warner, OGC, on the language.

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13. [] Together with [] OGC, met with representatives of OMB and with members of the staffs of the Senate and House Government Operations Committees to review and agree upon the final version of the Agency's exemption in the compromise version of S. 3418, the right of privacy bill. (See Memorandum for the Record.)

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[] GEORGE L. CARY
Legislative Counsel

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cc:

O/DDCI

Mr. Warner

EA/DDO

Ex. Sec.

Mr. Thuermer

Comptroller

Mr. Lehman

DDI DDA DDS&T

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OFFICE OF LEGISLATIVE COUNSEL

Saturday - 14 December 1974

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1. [REDACTED] During the day I talked with Colonel Clint Granger and Dick Ober, NSC staff, regarding the status of conference negotiations on the Foreign Assistance Act amendments. They indicated the conferees recessed at 6:40 p.m. last night and will meet again on Monday morning. I expressed our deep concern over the fact that the conferees had accepted the House version of the section relating to intelligence activities and that Senator Humphrey had not been able to hold the line despite the urgings from the President and the Director. They indicated Humphrey was also softening on other aspects of the bill and they might well have serious problems [REDACTED] I mentioned that the reaction of our Subcommittee members to the adoption of the House version of the provision could result in their voting against the entire Foreign Assistance Act when it comes up for floor action.

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2. [REDACTED] Picked up from Frank Reeder, OMB, the latest committee version of the compromise bill on right of privacy, and together with [REDACTED] OGC, reviewed it for comment back to OMB as to the sufficiency of our exemption.

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[REDACTED]

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GEORGE L. CARY
Legislative Counsel

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Ex. Sec.
DDI DDA DDS&T
Mr. Warner Mr. Thuermer
Mr. Lehman [REDACTED]
EA/DDO Compt

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OFFICE OF LEGISLATIVE COUNSEL

Friday - 13 December 1974

[REDACTED]

1. [REDACTED] Contacted staff members at the House and Senate Government Operations Committees and was advised that the latest committee draft of the compromise bill on right of privacy had not yet been prepared. Later in the day, Frank Reeder, OMB, called and said copies will be available for distribution tomorrow morning.

2. [REDACTED] Received a call from Scott Cohen, in the office of Senator Charles Percy, who said they would like to change the time of the Percy briefing on the Middle East situation including oil from 9:00 until 2:00 on the 18th of December. I told Cohen this was agreeable to us.

3. [REDACTED] During the course of the day, Messrs. Cary and [REDACTED] were in touch with Chairman Morgan (by note), Representatives Zablocki and Frelinghuysen, Senator Sparkman (through Dennis Neal of AID) and the Director was in touch with Senator Humphrey. We also talked to Everett Bierman, Minority Staff of House Foreign Affairs Committee, Mr. Jack Brady, Majority Staff of Foreign Affairs Committee, and with the staffs of our CIA Subcommittees, to develop a position with respect to the Foreign Assistance Act--particularly the sections in the Senate and House versions of the bill dealing with reports to the Congress on covert activities. (See [REDACTED] Memo for Record.)

4. [REDACTED] We learned later in the afternoon that the conferees on the Foreign Assistance legislation had accepted the House version of the section (section 27) on covert activities. We were also advised that the conferees had decided not to place any additional language in the bill on the subject of maintaining the security of the information involved. In conversation with Mr. Frelinghuysen, I urged that he make an effort to get some language in the conference report regarding the sensitivity of the material and also some language which would indicate that it was not the intent of the legislation to terminate existing covert action programs. In other words sufficient time would be given for the Presidential findings to be made and the furnishing of appropriate reports to the congressional committees. Mr. Frelinghuysen said he would make every effort to do so. We also learned that there were still several problem areas in the conference on this legislation, especially the sections pertaining to the

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25X1 5. [REDACTED] I placed calls to Guy McConnell, Senate Appropriations Committee staff, and Ralph Preston, House Appropriations Committee staff, to discuss the possibility that the Foreign Assistance bill might fail in either the House or the Senate and then a continuing resolution would be brought before the Congress. Preston said that, in fact, the full Committee was meeting this afternoon to mark up such a resolution. I asked if the staffers thought it would be useful in thwarting an effort to attach a "covert activities provision" to the continuing resolution if the Director sent a letter to the Chairmen of the two Committees stating his concern about the security of information involved and urging that this matter be delayed at least until the next Congress. Both staffers felt a letter would be desirable if action is taken on a continuing resolution. McConnell suggested that we wait and see what happens on the Foreign Assistance bill first, but Preston thought it would be useful to have a letter ready at a moment's notice in case it was needed. We have drafted a letter and will make such revisions as are necessary as the situation develops.

25X1 6. [REDACTED] Advised Dick Sampson, DDS&T, of Chairman Lucien N. Nedzi's, Special Subcommittee on Intelligence, House Armed Services Committee, views with respect to the inquiry of Representative Thomas Rees (D., Calif.). Sampson said that the matter will be handled completely consistent therewith and that as a matter of fact the firm in question has determined on their own, without reference to our considerations, that their response will be limited.

25X1 7. [REDACTED] Called Jim Oliver, OMB, and he agreed to alert all necessary points within OMB to assure that the views of the Director are requested when and if the Foreign Assistance Act amendments are enrolled. I explained that the Director may wish to recommend to the President a statement on the provision limiting intelligence activities to be made at the time of signing.

25X1 8. [REDACTED] In an attempt to obtain developments within the conference committee on the Foreign Assistance Act, called Bill Esponisa, OGC/AID, who reported that the conferees had differed on difficult questions, including the provision limiting intelligence activities until they had resolved the easier problems. As a result of the discussion, I got the impression that the resolve of Administration representatives in direct contact with the conferees was waning in support of our position including the fact that Jim Michaels, State Department, on Saturday had indicated he did not think there was any substantial difference between the Senate and House versions of the provision limiting intelligence activities.

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